



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

April 12, 2024

**By ECF**

The Honorable Robyn F. Tarnofsky, U.S.M.J.  
United States District Court, Southern District of New York  
500 Pearl Street, Room 703  
New York, New York 10007

**Re: *B.M. a/o/e Z.O. v. Gonzalez, et al.*, Case No. 22-cv-2658**  
**Request for Adjournment of Settlement Conference**

Dear Judge Tarnofsky:

As counsel for Defendants in this action, I write to respectfully request an adjournment of the settlement conference from the last week of April until either May 28, 2024 or May 29, 2024. Plaintiff's counsel, who are copied here, graciously consent to this adjournment request.

The settlement protocols for a New York State agency, or its employees<sup>1</sup>, require a thorough review process after receipt of a demand. After review of the demand, Defendants must obtain multiple approvals from leadership at various levels of OPWDD and the Office of the New York State Attorney General prior to making a counteroffer. This process generally takes several weeks. Defendants have not received a demand to date. As a result, it is unlikely that Defendants will be able to obtain authority to make a counteroffer in time for a conference during the last week in April.

Defendants therefore respectfully request that the settlement conference take place on either May 28, 2024 or May 29, 2024, provided that Plaintiff submits her settlement demand on or before April 29, 2024. A settlement conference during either of those days would not only afford Plaintiff time to make a reasoned demand, but it would also allow Defendants to go through the requisite settlement protocols and obtain authority to counteroffer. If Defendants are not afforded this time, they are concerned that the settlement conference may not be productive.

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<sup>1</sup> It is anticipated that a settlement in this action, brought against the employees of the Office for People with Developmental Disabilities ("OPWDD"), would also dispose of *B.M. v. State of New York*, a related Court of Claims action bearing the Claim No. E22-2453, that is subject to a Stipulation of Conditional Dismissal and Order. Though technically brought against State of New York, the Court of Claims action is effectively brought against OPWDD.

Hon. Robyn F. Tarnofsky, U.S.M.J.

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Thank you for your courtesy and consideration.

Respectfully submitted,

/s/

THE OFFICE OF THE NEW YORK  
STATE ATTORNEY GENERAL

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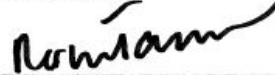
A settlement conference was scheduled for April 30, 2024. At the parties' request, it is now rescheduled to **Wednesday, May 29, 2024 at 2:00 p.m.** in Courtroom 9B at 500 Pearl Street, New York, NY. The parties are instructed to complete the Ex Parte Settlement Conference Summary Report and prepare pre-conference submissions in accordance with my Individual Rules of Practice. Pre-conference submissions must be received no later than **Wednesday, May 22, 2024, at 5:00 p.m.**

Corporate parties must send the person with decision-making authority to settle the matter to the conference. If attending in person presents a hardship for any party, they may submit a letter on the docket explaining the situation and the reasons why they believe the settlement conference should be held remotely.

Date: 04/15/2024

New York, NY

SO ORDERED



ROBYN F. TARNOFSKY

UNITED STATES MAGISTRATE JUDGE